

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
v.)	Case No.: 1:20CV1045
)	
HIRSCHFELD INDUSTRIES BRIDGE,)	
LLC,)	
Defendant.)	COMPLAINT

Plaintiff, the United States of America, on behalf of its agency, the United States Department of the Treasury, Bureau of the Fiscal Service, Acting on behalf of U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, by and through its attorney, Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, brings this action against Hirschfeld Industries Bridge, LLC, complaining and alleging as follows:

1. Plaintiff is the United States of America, and the Court has jurisdiction over this action pursuant to Title 28, United States Code, § 1345.
2. The Defendant, Hirschfeld Industries Bridge, LLC, is, upon information and belief, a limited liability company, with a principal place of business in Greensboro, North Carolina, within the jurisdiction of this court, and with a registered office in Raleigh, North Carolina.

3. The Defendant, Hirschfeld Industries Bridge, LLC, as a “responsible entity” under the Medicare statutes¹, owes a debt to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), arising in connection with the overpayment of Medicare benefits payments made by CMS under the Medicare Secondary Payer (MSP) program (42 U.S.C. §1395y(b) & 42 C.F.R. 411.20, et seq.). As a responsible entity, Defendant is required to repay the Medicare program for mistakenly made primary payments for services furnished to the Medicare beneficiaries listed below for which the actual primary payment responsibility lies with a group health plan (GHP). The total amount due is **\$42,937.47**.

4. The Defendant, Hirschfeld Industries Bridge, LLC, owes a total of **\$42,937.47**, comprised of four delinquent debts arising from payments made for four identified Medicare beneficiaries, as follows:

Debt # 1: TRFM:34651936 in the amount of \$19,631.46

Treasury Case Number: L34651936

Agency Debt Number: 740549610

Medicare Case ID: 2019235000000041

Beneficiary: L.V.

¹ “Responsible Entities” for this debt include the employer, insurer, claims processing third party administrator (“TPA”), GHP, or other plan sponsor. “[T]he United States may bring suit ‘against any or all entities that are or were required or responsible ... to make payment.’ 42 U.S.C. § 1395y(b) (2) (B) (iii). This includes entities required to pay ‘directly, as an insurer or self-insurer, as a third party administrator, as an employer that sponsors or contributes to a group health plan, or a large group health plan, or otherwise.’” Dialysis of Des Moines, LLC v. Smithfield Foods Healthcare Plan, No. 2:18CV653, 2019 WL 8892581, at *6 (E.D. Va. Aug. 5, 2019) (citing 42 U.S.C. § 1395y(b) (2) (B) (iii)) (emphasis in original).

Debt # 2: TRFM:3465193434 in the amount of \$16,415.96

Treasury Case Number: L34651934
Agency Debt Number: 740549609
Medicare Case ID: 201813008010016
Beneficiary: S.H.

Debt # 3: TRFM:34548802 in the amount of \$5,426.63

Treasury Case Number: L34548802
Agency Debt Number: 740548952
Medicare Case ID: 201813008009991
Beneficiary: G.P.

Debt # 4: TRFM:34651932 in the amount of \$1,463.42

Treasury Case Number: L34651932
Agency Debt Number: 740549608
Medicare Case ID: 201813008009996
Beneficiary: S.G.

5. Although the identified individual beneficiaries may have been entitled to Medicare, when certain conditions delineated within the Medicare laws (42 U.S.C. § 1395y(b)) and regulations (42 C.F.R. § 411.20, et seq.) are satisfied, the Medicare Secondary Payer (MSP) statute requires GHPs to make primary payment for services furnished to Medicare beneficiaries who are also covered by a GHP. The conditions for GHP primary payment for the four beneficiaries were satisfied at the time Medicare made primary payments for certain services.

6. The MSP statute and regulations require Medicare to recover primary payments it mistakenly made for which a GHP is the proper primary payer. Recovery may be made from any of the responsible entities.

COUNT 1

7. Defendant is indebted to plaintiff in the sub-amount of **\$19,631.46**. Said debt is more fully described in the Certificate of Indebtedness, a copy of which is attached hereto, and made a part hereof and marked **Exhibit 1**.

8. Demand has been made upon defendant for the above sum and defendant has neglected and refused to pay same and persists in that refusal.

COUNT 2

9. Defendant is indebted to plaintiff in the sub-amount of **\$16,415.96**. Said debt is more fully described in the Certificate of Indebtedness, a copy of which is attached hereto, and made a part hereof and marked **Exhibit 2**.

10. Demand has been made upon defendant for the above sum and defendant has neglected and refused to pay same and persists in that refusal.

COUNT 3

11. Defendant is indebted to plaintiff in the sub-amount of **\$5,426.63**. Said debt is more fully described in the Certificate of Indebtedness, a copy of which is attached hereto, and made a part hereof and marked **Exhibit 3**.

12. Demand has been made upon defendant for the above sum and defendant has neglected and refused to pay same and persists in that refusal.

COUNT 4

13. Defendant is indebted to plaintiff in the sub-amount of **\$1,463.42**. Said debt is more fully described in the Certificate of Indebtedness, a copy of which is attached hereto, and made a part hereof and marked **Exhibit 4**.

14. Demand has been made upon defendant for the above sum and defendant has neglected and refused to pay same and persists in that refusal.

15. The above described indebtedness in the total amount of **\$42,937.47** is a debt to the United States as defined in the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. §§ 3001-3308. See 28 U.S.C. § 3002(3)(B).

WHEREFORE, Plaintiff prays for judgment against the Defendant for the amount of **\$42,937.47**, which includes:

(1) **\$19,631.46** which includes principal in the amount of \$17,743.22, interest computed as of September 24, 2020, in the amount of \$1,888.24, and additional interest at the rate of 10.25 percent per annum from September 25, 2020, until judgment; together with post-judgment interest as allowed by law and costs, as is more fully shown on the Certificate of Indebtedness attached hereto as **Exhibit 1** and incorporated herein by reference, and for such other and further relief as the court may deem just, fair and reasonable;

(2) **\$16,415.96** which includes principal in the amount of \$14,836.99, interest computed as of September 24, 2020, in the amount of \$1,578.97 and additional interest at the rate of 10.25 percent per annum from September 25, 2020, until judgment; together with post-judgment interest as allowed by law and costs, as is more fully shown on the Certificate

of Indebtedness attached hereto as **Exhibit 2** and incorporated herein by reference and for such other and further relief as the court may deem just, fair and reasonable;

(3) **\$5,426.63** which includes principal in the amount of \$4,895.64, interest computed as of September 24, 2020, in the amount of \$530.99, and additional interest at the rate of 10.25 percent per annum from September 25, 2020, until judgment; together with post-judgment interest as allowed by law and costs, as is more fully shown on the Certificate of Indebtedness attached hereto as **Exhibit 3** and incorporated herein by reference and for such other and further relief as the court may deem just, fair and reasonable; and

(4) **\$1,463.42** which includes principal in the amount of \$1,322.67, interest computed as of September 24, 2020, in the amount of \$140.75, and additional interest at the rate of 10.25 percent per annum from September 25, 2020, until judgment; together with post-judgment interest as allowed by law and costs, as is more fully shown on the Certificate of Indebtedness attached hereto as **Exhibit 4** and incorporated herein by reference and for such other and further relief as the court may deem just, fair and reasonable.

This the 19th day of November, 2020.

MATTHEW G.T. MARTIN
United States Attorney

/s/ Joan B. Childs
Assistant United States
Attorney NCSB# 18100
United States Attorney's Office
Middle District of North Carolina
101 S. Edgeworth St., 4th Floor
Greensboro, NC 27401
Telephone: (336) 333-5351
Email: joan.childs@usdoj.gov



U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF
U.S. Department of Health and Human Services,
Centers for Medicare and Medicaid Services
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Hirschfeld Industries Bridge
1451 S. Elm Eugene Street
Greensboro, NC, 27406

Re: Treasury Claim TRFM:34651936

I certify that the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 17,743.22
Interest through 9/24/20*:	\$ 1,888.24

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6). (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

TOTAL debt owed as of 9/24/2020: \$ 19,631.46

*Per the CMS agency profile with Treasury, interest continues to accrue at the rate of 10.25%.

This debt reportedly arose in connection with the debtor's failure to repay a \$17,743.22 Medicare benefits overpayment for medical services that were incorrectly billed to the Medicare Program (42 C.F.R. 405; 42 U.S.C. 1395) between June, 2013-December, 2016.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

9/25/2020

X

09/24/2020

Signed by: Natalie R. Stubbs

Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Bureau of Fiscal Service





U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF
U.S. Department of Health and Human Services,
Centers for Medicare and Medicaid Services
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Hirschfeld Industries Bridge
1451 S. Elm Eugene Street
Greensboro, NC, 27406

Re: Treasury Claim TRFM:3465193434

I certify that the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 14,836.99
Interest through 9/24/20*:	\$ 1,578.97

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

TOTAL debt owed as of 9/24/2020: \$ 16,415.96

*Per the CMS agency profile with Treasury, interest continues to accrue at the rate of 10.25%.

This debt reportedly arose in connection with the debtor's failure to repay a \$14,836.99 Medicare benefits overpayment for medical services that were incorrectly billed to the Medicare Program (42 C.F.R. 405; 42 U.S.C. 1395) between July, 2015-December, 2016.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

9/25/2020

X

09/24/2020

Signed by: Natalie R. Stubbs

Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
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ACTING ON BEHALF OF
U.S. Department of Health and Human Services,
Centers for Medicare and Medicaid Services
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Hirschfeld Industries Bridge
101 Centerport Drive, Suite 400
Greensboro, NC, 27409

Re: Treasury Claim TRFM:34548802

I certify that the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 4,895.64
Interest through 9/24/20*:	\$ 530.99

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

TOTAL debt owed as of 9/24/2020: \$ 5,426.63

*Per the CMS agency profile with Treasury, interest continues to accrue at the rate of 10.25%.

This debt reportedly arose in connection with the debtor's failure to repay a \$4,895.64 Medicare benefits overpayment for medical services that were incorrectly billed to the Medicare Program (42 C.F.R. 405; 42 U.S.C. 1395) between November, 2011-December, 2016.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

9/25/2020

X

09/24/2020

Signed by: Natalie R. Stubbs

Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Bureau of Fiscal Service





U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF
U.S. Department of Health and Human Services,
Centers for Medicare and Medicaid Services
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Hirschfeld Industries Bridge
101 Centerport Drive, Suite 400
Greensboro, NC, 27409

Re: Treasury Claim TRFM:34548802

I certify that the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 4,895.64
Interest through 9/24/20*:	\$ 530.99

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

TOTAL debt owed as of 9/24/2020: \$ 5,426.63

*Per the CMS agency profile with Treasury, interest continues to accrue at the rate of 10.25%.

This debt reportedly arose in connection with the debtor's failure to repay a \$4,895.64 Medicare benefits overpayment for medical services that were incorrectly billed to the Medicare Program (42 C.F.R. 405; 42 U.S.C. 1395) between November, 2011-December, 2016.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

9/25/2020

X

09/24/2020

Signed by: Natalie R. Stubbs

Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
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ACTING ON BEHALF OF
U.S. Department of Health and Human Services,
Centers for Medicare and Medicaid Services
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Hirschfeld Industries Bridge
1451 S. Elm Eugene Street
Greensboro, NC, 27406

Re: Treasury Claim TRFM:34651932

I certify that the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 1,322.67
Interest through 9/24/20*:	\$ 140.75

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

TOTAL debt owed as of 9/24/2020: \$ 1,463.42

*Per the CMS agency profile with Treasury, interest continues to accrue at the rate of 10.25%.

This debt reportedly arose in connection with the debtor's failure to repay a \$1,322.67 Medicare benefits overpayment for medical services that were incorrectly billed to the Medicare Program (42 C.F.R. 405; 42 U.S.C. 1395) between July, 2015-December, 2016.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

9/25/2020

X *Natalie R. Stubbs*

09/24/2020

Signed by: Natalie R. Stubbs
Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Bureau of Fiscal Service

